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Paper No. 8
MAIL

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In re Application of :
JANNE HYOTYLAINEN :
Application No. 09/553,663 :
Filed: April 21, 2000 :
For: WIRELESS COMMUNICATION DEVICES

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DEC 30 2003
DECISION ON PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment which will be considered as having been filed under 37 CFR § 1.181(a), on August 6, 2003. No fee is required.

The petition is **GRANTED**.

The application was abandoned for failure to timely file a response to the outstanding Office action (paper No.5) mailed June 25, 2002. A Notice of Abandonment was mailed July 16, 2003.

Petitioner asserts that a response to the outstanding Office action was timely filed November 25, 2002. To support this position, Petitioner has included with the petition a copy of the response which includes a certificate of mailing and a date stamped mailroom receipt, indicating USPTO receipt of the amendment on December 2, 2002. The postcard dated December 2, 2002, itemizes the amendment (16 pages), certificate of mailing and a Check in the amount of \$400.00.

Petitioner submitted a copy of the amendment which includes the certificate of mailing along with the petition.

The original papers have since been matched with the application. Accordingly, it is concluded that the papers were timely filed in the Patent and Trademark Office but not matched with the application file. Therefore, the record is clear that the application was **not abandoned in fact** and a Notice of Abandonment should not have been issued. The Notice of Abandonment is vacated.

The application will be forwarded to the Technology Center's technical support staff for entry of the amendment. From there, the file will be forwarded to the examiner for appropriate consideration.

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